THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 27467 of 2005

DATED: 26.12.2005

Between:

Dr.Vangala Chidananda Reddy.

... PETITIONER

AND

The NTR University of Health Sciences and others.

... RESPONDENTS

ORDER:

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The petitioner appeared in the Entrance Examination conducted by the 1st respondent-University, for the purpose of admission into Post Graduate Medical Degree/Diploma Courses, for the academic year 2005-06. After the results were announced, the petitioner was selected for admission into the Course of Diploma in Clinical Pathology. On account of the Judgment of this Court setting aside the existing Rules of admissions, the Government of Andhra Pradesh, 2nd respondent herein, issued a fresh set of admission rules. In the selections undertaken on the basis of new set of admission rules, the petitioner was allotted to the same Course, into which he was admitted earlier. Accordingly, he was issued a letter of allotment, for the second time, on 31.05.2005. The petitioner is studying the said Course.

The petitioner states that the in the Course of M.D.Pathology in the 4th respondent College, out of two seats, only one candidate had joined and the other seat is vacant. He claims to have made repeated requests to respondents 1 and 2 for consideration of his case against the vacant seat in M.D.Pathology Course. Complaining that his requests were not acceded to, he seeks a Writ of Mandamus, declaring the action of the respondents in not conducting the second counselling, in relation to the vacant seat in M.D.Pathology Course in the 4th respondent-College.

Heard the learned counsel for the petitioner, the learned Government Pleader for Medical, Health and Family Welfare, and the learned Standing Counsel for respondents 1,3 and 4.

The University undertaken the selection process, on the basis of set of admission rules framed by the 2nd respondent. In the first round of selections held between 25th and 28th April 2005, the petitioner was selected against a seat in the Course of Diploma in Clinical Pathology in the 4th respondent-College. In a batch of Writ Petitions, the rules of admissions were challenged and they were set aside. That necessitated the framing of new set of admission rules by the 2nd respondent. In the selections undertaken on the basis of the new set of admission rules also, the petitioner came to be selected against a seat in the same Course. To that extent, the petitioner did not have any grievance.

The Supreme Court directed the Medical Council of India to fix a time schedule to be followed for admissions at Under-graduate, Post Graduate and Super Speciality levels in the Medical Education. Clear directions were issued to the effect that no deviations be made from the schedule so fixed.

It is not in dispute that 31st May of every year is stipulated as the last date for filling up of the resultant vacancies in the Post Graduate Medical Course. It means that it is not permissible for any college or university to admit

candidates after 31st May of any year, irrespective of the manner, in which the vacancies may have arisen. There are several instances, where the Supreme Court has tuned down the request of the University to relax the schedule.

Even assuming that a seat in the Course of M.D.Pathology in the 4th respondent-College existed, on account of failure of a selected candidate to join the course, neither the 1st respondent-University nor the 4th respondent-College can fill that seat after 31.05.2005. The classes have commenced much earlier, and the candidates cannot be permitted to join the course in the middle of the stream. At any rate, the petitioner had approached this court, six months after the deadline stipulated by the Medical Council of India. The Course has already started and substantial part of it is completed. Threfore, this Court does not find any basis to grant any relation to the petitioner.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

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26.12.2005

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